

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

THE CITY OF PROVIDENCE, Individually and on Behalf of All Others Similarly Situated,	)	
	)	No. 11-CV-7132 (CM)(GWG)
	)	
Plaintiff,	)	<u>CLASS ACTION</u>
	)	
vs.	)	
	)	
AÉROPOSTALE, INC., THOMAS P. JOHNSON	)	
and MARC D. MILLER,	)	
	)	
Defendants.	)	
	)	

**LEAD PLAINTIFF’S NOTICE OF MOTION FOR AN APPEAL BOND**

PLEASE TAKE NOTICE that the City of Providence (“Lead Plaintiff”), through counsel, hereby moves this Court before the Honorable Colleen McMahon, for an order pursuant to Rule 7 of the Federal Rules of Appellate Procedure requiring objector Donald Robert Pierson to post a bond of at least \$18,000 in order to proceed with his appeal of the Court’s approval of the Settlement of this Action and award of attorneys’ fees to Lead Counsel.

PLEASE TAKE FURTHER NOTICE that in support of the motion, Lead Plaintiff submits and is filing herewith: Lead Plaintiff’s Memorandum of Law in Support of Motion for Appeal Bond, dated August 29, 2014; the Declaration of Jonathan Gardner in Support of Motion for an Appeal Bond, with annexed exhibits and dated August 29, 2014, and a proposed order.

Dated: August 29, 2014

Respectfully submitted,

**LABATON SUCHAROW LLP**

By: /s/ Jonathan Gardner

Jonathan Gardner

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 29, 2014, I caused the foregoing LEAD PLAINTIFF'S NOTICE OF MOTION FOR AN APPEAL BOND to be served electronically on all ECF participants.

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*s/ Jonathan Gardner*  
JONATHAN GARDNER